

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

(16) 445-0813



November 13, 1985

ALL COUNTY INFORMATION NOTICE NO. I-91-85

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY PROBATION DEPARTMENTS
ALL PRESIDING OR SOLE JUVENILE COURT JUDGES
ALL LICENSED ADOPTION AGENCIES
ALL DSS DISTRICT ADOPTION OFFICES

SUBJECT: SB 1196

The purpose of this notice is to provide information regarding the provisions of recently enacted state law, SB 1196 (Chapter 353/Statutes of 1985), which impacts Aid to Families with Dependent Children-Foster Care (AFDC-FC) eligibility. The provisions of SB 1196 are effective January 1, 1986.

The bill defines "case plan" as including an evaluation of the appropriateness of the services provided the child. Welfare and Institutions Code (WIC) Section 11400(b), is amended to include the additional case plan element underlined below. "Case plan" is defined as: "a written document which at a minimum specifies the type of home in which the child shall be placed, the appropriateness of the home for meeting the child's needs, the agency's plan for ensuring that the child, the family, and foster parents receive services, and the appropriateness of the services provided to the child, in order to meet the child's needs while in foster care, and to reunify the child with his or her family, or, when reunification is not possible, to facilitate an alternate permanent plan." This case plan element was added to conform to federal requirements and applies to all children (dependents and wards) receiving AFDC-FC payments.

In addition, SB 1196 specifies that removal from the home must have been made as the result of specific judicial determinations in the court order. The following requirements (underlined) are added to WIC Section 11401(b)(1): "The child has been removed from the physical custody of his or her parent or guardian as a result of a judicial determination that continuance in the home would be contrary to the child's welfare and that, if the child has been placed in foster care, reasonable efforts have been made, and will continue to be made, to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return to his or her home..." This revision conforms state statute to federal requirements and ensures that children receiving AFDC-FC payments under the State Program are afforded the same protections as federally eligible children.

Therefore, for AFDC-FC eligibility, the court must make a determination that reasonable efforts were made. If payments are initiated on the basis of the detention order, or if child welfare services are provided to children removed pursuant to W&IC Section 300, the reasonable efforts finding must be included in both the detention and disposition orders. When AFDC-FC is not paid until after the disposition order, the detention order need not contain the finding. In cases where reasonable efforts are not provided because the first contact with the family occurs during an emergency situation in which the child could not safely remain at home even with reasonable efforts being provided, the court must make a finding that the lack of preplacement preventive efforts was reasonable.

If you have any questions regarding this information, please contact Ms. Lisa Foster of the Foster Care Program Management Bureau at (916) 445-0813 or ATSS 485-0813.



ROBERT A. HOREL
Deputy Director

cc: CWDA